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| 09/990,842 | 11/21/2001 | Paul A. Moskowitz | CHA920010021US1 | 2704 |
| 23550 | 7590 | 01/31/2006 | EXAMINER | |
| HOFFMAN WARNICK & D'ALESSANDRO, LLC | | | NELSON, FREDA ANN | |
| 75 STATE STREET | | | ART UNIT | |
| 14TH FL | | | PAPER NUMBER | |
| ALBANY, NY 12207 | | | 3639 | |

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/990,842 | MOSKOWITZ ET AL. | |
| | Examiner | Art Unit | |
| | Freda A. Nelson | 3639 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/15/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-17 and 19-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17, 19-25, and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment received on November 15, 2005 is acknowledged and entered. Claim 1 has been amended. Claims 26-32 have been withdrawn. Claims 7 and 18 have been canceled. No claims have been added. Claims 1-6, 8-17, and 19-38 are currently pending.

Response to Amendment and Arguments

Applicant's arguments filed November 15, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In response to applicant's arguments that in regard to claims 1 and 16, Dar does not disclose or suggest that the "the processor" calculates a charge based on gathered usage data". The examiner asserts that Dar teaches a processor on board which provides a billing data output (charges).

In response to applicant's arguments that in regard to claims 1 and 16, Van De Pavert does not encrypt usage data, based on which the processor calculates a charge. The examiner asserts that Van De Pavert teaches that enciphering can be used both in order to transmit the usage data (balances) in a secure manner.

In response to applicant's arguments that in regard to claim 16, Ando does not "encrypt usage data transmitted between the sensor and the processors", the examiner notes that the Ando reference teaches "a security system for protecting monetary data stored therein and ensuring legitimate communication with the stationary device".

In response to applicant's arguments that in regard to claim 23, Dar , Van De Pavert and Ando does not teach a security system for "securing information processed by the central server", the examiner asserts that Ando teaches that "communication between on-board device and stationary device 60 which is carried out in a way that does not conform to a predetermined encrypted code is detected as illegitimate communication".

In response to applicant's arguments that in regard to claim 33, Dar does not Calculating a charge on the processor based on usage data", the examiner kindly disagrees. Dar teaches teach "at least one data processor receiving information sensed by at least one sensor, indicating at least one of the time during which the vehicle is not being operated and where the vehicle is located when it is not being operated and providing a billing data output (paragraph [0011]).

Claim Rejections - 35 USC § 112

The rejections under 35 USC 112 have been withdrawn due to applicant's amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2, 8, 10, 12, 14, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. (US PG Pub. 2001/0039509) in view of Van De Pavert (Patent Number 5,914,471).

In claims 1-2, 8, 12, Dar et al. disclose that the vehicle-related services system includes at least one sensor on-board a vehicle (paragraph 0037); at least one communicator on-board the vehicle (paragraph 0038); and at least one data processor which provides a billing data output in respect of a vehicle-related service (paragraph 0039). Dar et al. further disclose that without requiring any intervention by the driver, a parking communicator 104, receiving a location input from GPS receiver 102, transmits a message in a wireless manner to a central unit 106, which in turn provides data used for effecting payment for parking (paragraph 0125).

Dar et al. does not disclose that the security system comprises an encryption system for encrypting usage data transmitted between the sensor and the processor. Van De Pavert discloses an invention which relates to the secure storage of cost data in counters of public telephone sets of the type where a caller pays by means of a card, such as a so-called "chip" card and relates to recording usage data in general and cost data in particular for machines through which the purchaser pays by means of a card, such as, e.g., vending machines for sweets or for soft drinks, certain types of parking meters and stamp vending machines wherein the term "card" should be taken to refer to any type of card (or equivalent of a card) which enables the user to make use of the machine in question. Van De Pavert further disclose that here, the card advantageously and illustratively comprises a microprocessor 50 for processing data; memory 40 having a random access memory (RAM) 47 for temporarily storing data, such as usage data; and, optionally, cryptographic circuitry (54) for performing cryptographic operations, e.g., encryption and decryption (col. 15, line 2-18; FIG. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the feature of Van De Pavert in order to provide enhance security (Van De Pavert; col. 4, lines 37-44).

In claim 10, Dar et al. disclose that the data processor includes a vehicle

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insurance billing data processor(paragraph 0025).

In claim 14, Dar et al. disclose that a vehicle 100 is equipped with a GPS receiver 102 (paragraph 0125, FIG. 1A).

In claim 33, Dar et al. disclose that the vehicle-related services system includes at least one sensor on-board a vehicle (paragraph 0037); at least one communicator on-board the vehicle (paragraph 0038); and at least one data processor which provides a billing data output in respect of a vehicle-related service (paragraph 0039). Dar et al further disclose that without requiring any intervention by the driver, a parking communicator 104, receiving a location input from GPS receiver 102, transmits a message in a wireless manner to a central unit 106, which in turn provides data used for effecting payment for parking (paragraph 0125). Dar et al. still further disclose that the central unit 1610 preferably employs the information contained in the composite messages received by it from various travel monitors 1604 to compute fees chargeable to individual vehicles, which are based, inter alia, on time duration of vehicle presence within given regions (paragraph 0241).

2. Claims 3-5, 15-17, 19-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Ando et al. (Patent Number 5,955,970).

In claims 3-5, 16-17, and 19-20, Dar et al. does not disclose a security system comprising a tamper resistant encasement that encases at least one component of the local data processing system. Dar et al. does not further disclose that the security system comprises an encryption system for encrypting usage data transmitted between the sensor and the processor. Van De Pavert discloses an invention which relates to the secure storage of cost data in counters of public telephone sets of the type where a caller pays by means of a card, such as a so-called "chip" card and relates to recording usage data in general and cost data in particular for machines through which the purchaser pays by means of a card, such as, e.g., vending machines for sweets or for soft drinks, certain types of parking meters and stamp vending machines wherein the term "card" should be taken to refer to any type of card (or equivalent of a card) which enables the user to make use of the machine in question. Van De Pavert further disclose that here, the card advantageously and illustratively comprises a microprocessor 50 for processing data; memory 40 having a random access memory (RAM) 47 for temporarily storing data, such as usage data; and, optionally, cryptographic circuitry (54) for performing cryptographic operations, e.g., encryption and decryption (col. 15, line 2-18; FIG. 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the feature of Van De Pavert in order to provide enhance security (Van

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De Pavert; col. 4, lines 37-44). Ando et al. disclose that the on-board device must include a security system for protecting monetary data stored therein and ensuring legitimate communication with the stationary device (col. 1, lines 26-30). Ando et al. further disclose that the illegitimate opening of the on-line device can be detected by sensing the removal of screws fastening a circuit board to a case of the on-board device (col. 2, lines 7-9). Ando et al. still further disclose that the switch is connected to a processor of the on-board device to detect the removal of the screws (col. 2, lines 11-13). Ando et al. further disclose that Detectors 5 and 7 detect a vehicle and set a timing of Communication between the on-board device and the stationary device. Gate entrance detector 9 and gate exit detector 10 set a timing of opening and closing the gate (col. 3, lines 30-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the security system feature of Ando et al. in order to protect the monetary data stored therein the sensor (Ando et al.; col. 1, lines 26-30).

In claim 15, Dar et al. does not disclose that the sensor measures weight placed on the remote apparatus, however it is old and well known that condition responsive indicating systems/sensors are sensitive to touch or weight placed on remote apparatuses. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the sensor which measures weight in order to avoid intrusion.

In claim 21, Dar et al. disclose that the data processor includes a vehicle insurance billing data processor(paragraph 0025).

In claim 23, Dar et al. disclose that the vehicle-related services system includes at least one sensor on-board a vehicle (paragraph 0037); at least one communicator on-board the vehicle (paragraph 0038); and at least one data processor which provides a billing data output in respect of a vehicle-related service (paragraph 0039). Dar et al. further disclose that without requiring any intervention by the driver, a parking communicator 104, receiving a location input from GPS receiver 102, transmits a message in a wireless manner to a central unit 106, which in turn provides data used for effecting payment for parking (paragraph 0125).

Dar et al. does not disclose a security system which includes an encryption system. Ando et al. disclose that the on-board device must include a security system for protecting monetary data stored therein and ensuring legitimate communication with the stationary device (col. 1, lines 26-30). Ando et al. further disclose that the illegitimate opening of the on-line device can be detected by sensing the removal of screws fastening a circuit board to a case of the on-board device (col. 2, lines 7-9). Ando et al. further disclose that the switch is connected to a processor of the on-board device to detect the removal of the screws (col. 2, lines 11-13). Ando et al. still further disclose that Detectors 5 and 7 detect a vehicle and set a timing of Communication between the on-board device and the stationary device. Gate entrance detector 9 and gate exit detector 10 set a timing of opening and closing the gate (col. 3, lines 30-45).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the security system feature of Ando et al. in order to protect the monetary data stored therein the sensor (Ando et al.; col. 1, lines 26-30).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Ando et al., still in further view of Force et al. (Patent Number 5,533,123).

In claim 6, Dar et al. does not disclose that the tamper resistant encasement comprises an epoxy having a signature embedded therein. Force et al. disclose that various encryption schemes have been proposed, such as where a user creates and authenticates a secure digital signature, which is very difficult to forge and thus equally difficult to repudiate (col. 4, lines 16-19).

Force et al. does not teach that the encasement comprises an epoxy, however it is old and well known in the computer arts that epoxy is more durable and tougher encasement. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the epoxy encasement to get the advantage of an inexpensive, but durable encasement.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Ando et al., still in further view of Force et al., still in further view of Davis et al. (Patent Number 5,844,986).

In claim 9, Dar et al. does not disclose that the processor comprises a Cryptographic coprocessor. Davis et al. disclose that a cryptographic coprocessor containing the BIOS memory device performs authentication and validation on the BIOS upgrade based on a public/private key protocol wherein the authentication is performed by verifying the digital signature embedded in the BIOS upgrade (abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the feature of Davis et al. in order to prevent an attacker from trying to corrupt the BIOS contents (col. 2, lines 1-7).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Ehrman et al. (US PG Pub.

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2001/0037298).

In claims 11, Dar et al. disclose that there is also a vehicle-related fee payment system including at least one data processor which provides a billing data output in respect of a vehicle-related use fee which is dependent on the time during which the vehicle is being operated (paragraph 0068). Dar et al. does not disclose that the charges comprise a rental cost. Ehrman et al. disclose that in some instances the results are entered into a hand held computerized recordation device for entry into the agency computer database for calculation of the final rental charge (either while the lessee waits or as a supplement to the original charge on the initially tendered credit card). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the feature of Ehrman et al. in order to effect payments for vehicle-related services including vehicle rentals (paragraph 0002).

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of McMillan et al (Patent Number 6,064,970).

In claim 13, Dar et al. does not disclose that the sensor measures speed. McMillan et al. disclose that examples of data which will be monitored and recorded include: speeds driven (col. 6, lines 30-36). Therefore, it would have been obvious at the time the invention was made to modify the invention of Dar et al. to include the speed measuring feature of Dar et al. to determine a fair cost of insurance (McMillan et al., col. 6, lines 46-49).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Van De Pavert, still in further view of Ando et al., still in further view of Ehrman et al. (US PG Pub. 2001/0037298).

In claim 22, Dar et al. disclose that there is also a vehicle-related fee payment system including at least one data processor which provides a billing data output in respect of a vehicle-related use fee which is dependent on the time during which the vehicle is being operated (paragraph 0068).

Dar et al. does not disclose that the charges comprise a rental cost. Ehrman et al. disclose that in some instances the results are entered into a hand held computerized recordation device for entry into the agency computer database for calculation of the final rental charge (either while the lessee waits or as a supplement to

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the original charge on the initially tendered credit card). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the feature of Erhman et al. in order to effect payments for vehicle-related services including vehicle rentals (paragraph 0002).

8. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Ando et al. in further view of Ehrman et al. (US PG Pub. 2001/0037298).

In claims 24-25, Dar et al. does not disclose that the usage payment comprises an insurance or a rental fee. Erhman et al. disclose that the customer enters a selected vehicle, punches in the prompted rental (e.g., rental duration, fuel option, insurance coverage option, return option, etc.) and identification information and, when instructed, swipes a credit card through the reader to activate the system, with transmission of all the information to the central billing and maintenance data base which transmits details to the checkout gate, where a rental agreement is printed out, when the vehicle arrives at the gate (paragraph 0031). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the payment feature of Erhman et al. in order to include in-vehicle check out and payment device operatively linkable to the transmitting sensor of the vehicle (Erhman, abstract).

9. Claims 34-35 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Shimizu et al. (US PG Pub. 2002/0111822).

In claims 34-35, Dar et al. disclose that the data processor includes a vehicle insurance billing data processor. Dar et al. does not disclose obtaining an electric payment. Shimizu et al. disclose that and IC card might be used to subtract the beneficiary fee or add the provider compensation shown in FIG. 60 through FIG. 65; and if employed to subtract beneficiary fees, it would function in the same way as a prepaid card and to add provider compensation, it would be used like a debit card (paragraph 0283). Shimizu et al. further disclose that if memory medium 5720 could also be used for general purchases (i.e., to pay for other transactions), its utility would be enhanced. If the memory medium does not have the capability of being used to pay for general purchases, it should still be able to be credited or debited in an ATM machine by accessing the information mediator's account and adding or subtracting the amount recorded on the card (paragraph 0283).

In claims 37-38, Shimizu et al. disclose that identity verification, then, is executed as preprocessing (setup) before data can be exchanged with the mediator. In other words, the mediator issues validation (data) 2701 to the machine or device to which it is connected via a network before the contract is in effect and based on these validation data, it can recognize which machine or device is communicating with it in the future wherein validation data 2701 may consist of a recognition code, a string in machine code used to recognize a machine or device, or they may be a cryptographic key or some other encrypted code (paragraph 0207).

10. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dar et al. in view of Van De Pavert, in further view of Shimizu et al., still in further view of Ehrman et al. (US PG Pub. 2001/0037298).

In claim 36, Dar et al. disclose that there is also a vehicle-related fee payment system including at least one data processor which provides a billing data output in respect of a vehicle-related use fee which is dependent on the time during which the vehicle is being operated (paragraph 0068). Dar et al. does not disclose that the charge is a rental cost. Ehrman et al. disclose that in some instances the results are entered into a hand held computerized recordation device for entry into the agency computer database for calculation of the final rental charge (either while the lessee waits or as a supplement to the original charge on the initially tendered credit card). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Dar et al. to include the feature of Ehrman et al. in order to include the feature of Ehrman et al. in order to effect payments for vehicle-related services including vehicle rentals (paragraph 0002).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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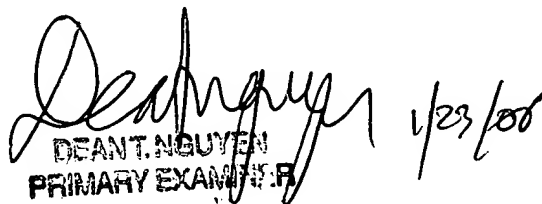
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 08/22/2005



DEANT NGUYEN
PRIMARY EXAMINER

1/23/08